

REMARKS

The present application was filed on September 26, 2003 with claims 1 through 24. Claims 1 through 24 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-8, 11-13, and 16-24 under 35 U.S.C. §103(a) as being unpatentable over Fitchett et al. (United States Patent Application Publication Number 2007/0167170 A1). The Examiner also rejected claims 9-10 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over Fitchett and in view of Haim (United States Patent Number 6,718,014).

Independent Claims 1, 12 and 17

Independent claims 1, 12, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitchett et al. In particular, the Examiner asserts that Fitchett teaches to "deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0070)."

First, Applicants note that Fitchett was filed on August 11, 2006 and is related to Provisional Application No. 60/759,560 filed on January 18, 2006. Thus, Fitchett is *not* available as prior art under 35 U.S.C. §103(a) since the filing date of the present application (September 26, 2003) precedes the filing date of Fitchett. Moreover, Applicants note that, in the text cited by the Examiner, Fitchett teaches

[0070]As seen in FIG. 4, the communications system 108 also includes a PDU 106, commonly referred to in the context of communications systems as a presence engine 106. As described above with regard to the PDU 106 of the present invention, the presence engine 106 makes updated activity status information available to various different applications, including the SRU 102 and each of the communications clients 408. The determination of the presence or activity status of a particular entity subscribed to the communications system 108 shown in FIG. 4 is partly automatic and partly manual. More specifically, the presence engine 106 monitors and automatically detects the type, status and/or capabilities of the computer and/or communications activity of a particular entity, while the communications system 108 allows the particular entity to submit and/or modify its presence information via the respective communications client 408. As is typical in existing multimedia communications systems, a presence indicator is used to provide a particular entity with presence information for another entity. This presence indicator is a feature of the interface displayed by each communications client 408 to the respective entity.
(Paragraph [0070].)

Fitchett, however, does *not* disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of a sender, said indication including an identification of at least one device where the sender is present. Independent claims 1 and 17 require delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication *including an identification of at least one device where said sender is present.*

Regarding claim 12, Applicants note that Fitchett does *not* disclose or suggest delivering a voice mail message to a recipient to *automatically respond* to the sender at a device where said sender is believed to be present. Applicants could also find no disclosure or suggestion of *providing a mechanism* for a recipient to automatically respond to a sender at a device where the sender is believed to be present. Independent claim 12 requires providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present.

Thus, Fitchett et al. do not disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present, as required by independent claims 1 and 17, and do not disclose or suggest providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present, as required by independent claim 12.

Additional Cited References

Haim was also cited by the Examiner for its disclosure of a method/apparatus wherein said recipient can respond to said sender in real time. Applicants note that Haim is directed to "a system and method for improving the quality of life for telephone users by providing a real-time screening of a telephone call without the ringing of the telephone call." (Col. 1, lines 10-13.)

Haim does *not*, however, disclose or suggest delivering a voice mail message to a recipient with an indication of a presence of a sender, the indication *including an identification of at least one device where the sender is present*, and does not disclose or suggest *providing a mechanism for the recipient to automatically respond to the sender at a device where the sender is believed to be present.*

Thus, Haim does not disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of a sender, said indication including an identification of

at least one device where the sender is present, as required by independent claims 1 and 17, and does not disclose or suggest providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present, as required by independent claim 12.

5 Dependent Claims 2-11, 13-16 and 18-24

Dependent claims 2-8, 11, 13, 16, and 18-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitchett et al., and claims 9-10 and 14-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitchett and in view of Haim.

10 Claims 2-11, 13-16, and 18-24 are dependent on claims 1, 12, and 17, respectively, and are therefore patentably distinguished over Fitchett and Haim (alone or in any combination) because of their dependency from independent claims 1, 12, and 17 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

 All of the pending claims, i.e., claims 1 through 24, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

 The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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